

1  
2  
3  
4 MAURICE CALDWELL,  
5 Plaintiff,

6 v.  
7

8 CITY OF SAN FRANCISCO, et al.,  
9 Defendants.  
10

11 Case No. 12-cv-01892-EDL  
12

**ORDER**

Re: Dkt. No. 130

12 On June 6, 2015, Plaintiff filed a motion for leave to file a second amended complaint. At  
13 the July 21, 2015 hearing on that motion and further case management conference, the Court  
14 denied Plaintiff's motion with respect to his proposed claims pursuant to Brady v. Maryland, 373  
15 U.S. 83 (1963), took Plaintiff's proposed claim related to an alleged failure to investigate citizen  
16 complaints and to impose discipline under submission, and ordered the Parties to meet and confer  
17 on the discovery issues outlined in their case management statement. Subsequently, the Parties  
18 read an agreement into the record regarding scheduling upcoming depositions as well as topics for  
19 the deposition of Defendant City and County of San Francisco's Rule 30(b)(6) witness. The  
20 Parties further agreed to an August 5, 2015 deadline for Defendants to produce documents  
21 responsive to Plaintiff's second request for production. The Parties also agreed to promptly file a  
22 proposed order authorizing the deposition of Marritte Funches, an inmate in the custody of the  
23 Colorado Department of Corrections.<sup>1</sup> Additionally, the Parties agreed that Plaintiff will send a  
24 meet and confer letter to Defendants regarding his third and fourth requests for production, which  
25 contain discovery relevant to Plaintiff's proposed failure to investigate and discipline claim, by  
26

27 \_\_\_\_\_  
28 <sup>1</sup> As a dispute nevertheless remains on Plaintiff's motion regarding this deposition, the Court  
granted Defendants an extension until July 22, 2015 to file their opposition. Plaintiff's reply  
deadline of July 24, 2015 remains unchanged.

1 July 29, 2015 and that the Parties will meet and confer on those requests by August 6, 2015. As  
2 stated at the hearing, the Court is only inclined to grant Plaintiff leave to amend to assert his  
3 failure to train and discipline claim if the incremental discovery burden of that claim would not be  
4 substantial and therefore not prejudicial. Accordingly, the Parties are ORDERED to either  
5 stipulate to the filing of an amended complaint including that claim or, by August 11, 2015, file a  
6 joint letter of no more than six pages explaining their respective positions as to the additional  
7 discovery that would be needed if Plaintiff's proposed claim is allowed.

8 **IT IS SO ORDERED.**

9 Dated: July 22, 2015

10  
11   
12 ELIZABETH D. LAPORTE  
United States Magistrate Judge